

passed. The criteria for qualifying for relief under such a bill could be spelled out by Congress and would require an overt act on the part of such industry to seek relief. Therefore, even if a particular industry may be entitled to relief under such a bill, the relief would not be forthcoming automatically, but it would be necessary for the industry to petition for the relief necessary.

Again using the domestic plastic window shade industry as an example, we can see the need for an omnibus quota bill. Imported plastic window shades are not specifically provided for under the United States Tariff Schedules. At the present time they are provided for under the provision for "curtains, drapes, etc." under Item No. 772.35, and assessed with duty (Kennedy Round) at the rate of 11% *ad valorem*.

The present classification and rate of duty on imported plastic window shades is the result of a ruling of the Bureau of Customs rendered on January 8, 1966. This ruling changed the classification of imported plastic window shades and rate of duty from 17 percent *ad valorem* to its present rate of duty.

It is the contention of the domestic plastic window shade industry that the present classification and rate of duty on imported plastic window shades is wrong. It therefore, instituted an American manufacturer's protest procedure, under Section 516(b) of the Tariff Act of 1930 protesting against the action of the Bureau of Customs. This procedure was commenced well over a year ago and after many delays and set backs, the matter was finally brought before the United States Customs Court. On February 7, 1968 a trial was had before the Court (Joanna Western Mills Company vs. United States) where the issues were litigated. A decision has not yet been rendered.

During this period and continuing, it is believed that imports have been increasing drastically. Because imported plastic window shades are provided for under a catch-all provision of the Tariff Schedules, and since there are 2 large importers at the present time, no statistics are available to the domestic industry. Nevertheless, the articles are seen in the market place of this commodity in increasing amounts and the competition is keener due to the low cost of the imported article.

Should the pending Court case be lost by the domestic plastic window shade industry, it may be necessary to seek Congressional relief. However, an omnibus quota bill would probably cover a situation presently encountered by this industry and permit it to qualify for relief under a defined criteria. It would not then be necessary for this industry to seek Congressional relief.

CLOSER COOPERATION SHOULD BE MAINTAINED BETWEEN THE CUSTOMS BUREAU AND THE FEDERAL TRADE COMMISSION IN APPRAISING THE ULTIMATE CONSUMER OF THE COUNTRY OF ORIGIN OF IMPORTED ARTICLES

Under Section 304 of the Tariff Act of 1930, as amended, generally, all imported articles capable of being marked, must be marked with the country of origin. This marking must be legibly, indelibly, and permanently written in the English language, and in a conspicuous place. There are several exceptions to this general rule.

One such exception is that where an article is imported to be manufactured into another article and the country of origin is known to the manufacturer of the article in this country, then marking on the article itself is not necessary.

Imported plastic sheeting for manufacture into window shades is an article as above described. The sheeting itself is not marked with the country of origin. After importation, it is cut to size and mounted on rollers having spring mechanisms, and a plastic window shade is produced. The finished article has no marking on it with the country of origin and the article itself is passed off as 100% produced American window shade.

The imported plastic which has no marking with the country of origin is permitted entry because it complies with the Custom laws. After importation the Customs authorities lose control over the importation. However, the ultimate consumer of the window shade should be apprised of the country of origin of the plastic material.

In order to apprise the ultimate consumer of the country of origin of the plastic material, it is urged that the Federal Trade Commission order the shade manufacturer to attach a tag thereto showing that the completed shade is made from imported plastic sheeting. It is a relatively simple matter for the Custom authorities to notify the Federal Trade Commission to advise the manufacturer to affix the tag. If the ultimate consumer still wants to purchase such a shade, the choice is entirely his.